

FILED

AUG 07 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MICHAEL W. HUNTER,

Plaintiff,

vs.

ED SMITH,

Defendant.

CV 15-36-H-DLC-JTJ

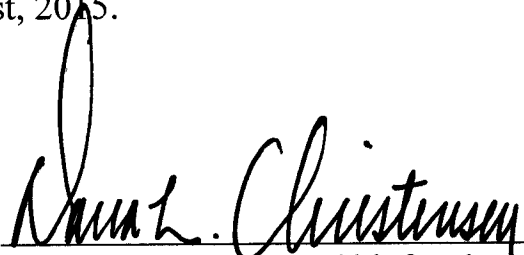
ORDER

United States Magistrate Judge John T. Johnston entered his findings and recommendations in this case on June 22, 2015, recommending denial of Plaintiff Michael Hunter's motion to proceed *in forma pauperis* and dismissal of this case. Hunter failed to timely object to the findings and recommendations, and so waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). For the reasons explained below, the Court adopts Judge Johnston's findings and recommendations in full.

Judge Johnston found, and this Court agrees, that Hunter's motion to proceed *in forma pauperis* should be denied and his Complaint dismissed for failing to comply with a May 12, 2015 order directing him to submit a statement of his prison trust account, as required by 28 U.S.C. § 1915(a)(2). Judge Johnston's order made clear that Hunter had until June 8, 2015 to file an amended complaint, and until June 12, 2015 to file the account statement. The docket in this case reveals that Hunter did neither.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 6) are ADOPTED IN FULL. Plaintiff Hunter's motion to proceed *in forma pauperis* (Doc. 1) is DENIED, and his Complaint (Doc. 2) is DISMISSED. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 7th day of August, 2015.



Dana L. Christensen, Chief Judge
United States District Court